

Woodley Gardens Pool/ Woodley Waves, LLC, Applicant

Project Narrative and Statement of Justification

Combined Special Exception Minor Modification S-54-62 for Community Pool  
and Level 1 Site Plan Club/Pool house Minor Amendment of Approved Site Plan

Woodley Waves, LLC, the “Applicant” and “Owner” of the Property on which the Woodley Gardens Pool operates, requests approval of a minor modification of Special Exception S-54-62 and a Level 1 site plan approval of a minor amendment of the existing site plan (U-29-76 as amended through STP2014-00207) to permit the replacement of the existing club/pool house that houses the member entrance desk and locker room facilities. Woodley Waves, LLC is a joint venture between Meekin, LLC, the pool operator, and Georgetown Hill Child Care Center, Inc. (“Georgetown Hill”), the private educational facility operator. Two families from the Woodley Gardens neighborhood created Meekin, LLC and joined forces with Georgetown Hill to acquire the property from the prior owner to prevent the prior owner’s plan to redevelop the community pool for residential development after fire caused significant damage to the private school. Woodley Waves, LLC’s purpose is to preserve the use of the property by reinvesting in and modernizing the community pool, reconstruct the much-needed early learning facilities, and add community amenities for the surrounding neighborhood. Woodley Waves, LLC acquired the property December 14, 2021 by deed recorded in the land records of Montgomery County, MD in Book 64825 at page 048. See attached **Exhibit 1**.

The Special Exception holder for the community pool is Woodley Waves, LLC, and the co-holder is proposed to be Meekin, LLC.

This Special Exception minor modification and site plan for the club/pool house replacement is Phase 1 of a three-phase comprehensive plan for the whole property. The applications for the club/pool house are moving forward to allow the implementation of the requested modifications in time for the summer pool season starting Memorial Day 2023.

The Phase 1 plan is a replacement club/pool house building. Construction to commence as soon as approvals and permits are issued in Q1 2023 for occupancy for pool season opening June 1.

The Phase 2 plan includes the interior alteration of the existing pool house to re-establish Georgetown Hill’s private educational institution use on an interim basis with limited students and programming until the full school is rebuilt in Phase 3. Phase 2 applications to be filed early Q1 2023.

The Phase 3 plan includes the reconstruction of the school; parking lot, and landscape upgrades; site-wide stormwater management; additional amenities as well as modifications to the replacement club/pool house that will include storage and equipment spaces, administrative offices and a snack shack as additions to the replacement club/pool house as well as a minor expansion of the pool, a replacement baby pool, and general improvements to the amenity area used by the members surrounding the pool. Phase 3 applications are anticipated to be filed Q1 2023 so that work on Phase 3 can begin implementation after the 2023 pool season ends and complete construction in 2024. The

comprehensive plan is provided as an illustrative so the City can review Phase 1 with an understanding of the long-range plan for the Property. See illustrative comprehensive plan attached as Exhibit 2.

### **Minor Modification**

This application meets the criteria in Section 25.15.01.b.1.(a) for a Minor Modification of a special exception: 1) the replacement of the club/pool house does ***not substantially change the nature, character, or intensity of the use*** in that i) the use of the property remains as a community pool, ii) the replacement club/pool house is of similar character - a 1-story, gable-roofed, traditional style building of modest size, and iii) the requested modification does not increase the number of pool memberships and users; and 2) the replacement club/pool house does ***not change the effect of traffic from the use in or on the immediate neighborhood*** because the modification causes no increase in the number of users of the community pool and there are no proposed changes to the existing curb cuts, on-site circulation, or parking in the minor modification.

### **PRIOR APPROVALS**

#### *Community Swimming Pool -*

Special Exception – S-54-62 Established swim club special exception on property

Use Permit U-29-76 Addition to Woodley Gardens Pool for early learning center, expand parking lot  
Plat 11221 created Lot 6, Block D, Rockville Estates May 6, 1976

Pre-Application Meeting PAM2022-00137 Pre-Application community meeting held April 26, 2022.  
Development Review Committee meeting held June 30, 2022.

#### *Private Educational Institution –*

Use Permit U-29-76 Early Learning Center

SPX1998-0274 Georgetown Hill, 76 students

SPX2000-00286 to implement new parking standards per TXT2000-0181, increase enrollment to 96

Use Permit USA1976-0029A Georgetown Hill site plan

SPX2005-00363 increase student enrollment to 123 with max students onsite of 105, added before and after school care, student profile - ages 3 month to 10 years old

USA1976-0029B to implement SPX2005-00363

SPX 2014-00388 1-story addition

STP2014-00207 Addition and parking lot re-stripe

### **Property**

The “Property” is Lot 6, Block D, Rockville Estates per Plat 11221 with address of 850 Nelson Street, Rockville, Maryland and Tax Parcel Identification No. 00157435. See Plat 11221 attached as Exhibit 3. The Property is a 140,515 square feet/ 3.23 acre record lot improved with an existing club/pool house and pool with related improvements, the foundation for a school building demolished due to fire casualty, a 67 space surface parking lot, landscape, lighting and signage. The Property has 497 feet of frontage on Nelson Street with two curb cuts. The western entrance from Nelson Street leads to a circular drive in front of the club/pool house and school site, where it joins the second entrance into the parking lot. See the existing conditions on the approved NRI/FSD attached as Exhibit 4.

The Property is zoned R-90 Single Family Detached Residential with two special exceptions – one established in 1962 for a community swimming pool and a second established in 1979 for a private educational institution. See City Zoning Map attached as **Exhibit 5.**

The Property is adjacent to Woodley Gardens Park, a 37.5-acre City park that wraps the Property boundaries on the south and west with a mature woodland buffer. The Park tennis and basketball courts are the closest improvements to the Property with the Park's parking lot further southwest. Adjacent to the east along the Property parking lot is a single family home with address of 800 Nelson Street zoned R-90. Confronting the Property is the 3-way stop sign controlled intersection of Crocus Drive with Nelson Street with a painted crosswalk box and ADA accessible sidewalk stubs on each leg to connect to the sidewalk along the Property frontage. Confronting the Property are single-family homes (803-811, 901 Nelson Street) zoned R-75 and the Regents Square condominium townhouse community (902-913 Nelson Street) zoned RMD-15.

To the further south west along Nelson Street is the Woodley Gardens Shopping Center zoned MXC- Mixed Use Commercial. The greater neighborhood surrounding the Property includes the Woodley Gardens, Woodley Gardens West, Regents Square, and West End communities.

Nelson Street runs from Montgomery Avenue through Woodley Gardens with a single lane in each direction within a 70-foot right of way. A four-foot wide sidewalk with a lawn buffer and a painted bike lane runs along the frontage of the Property. On-street parking with a painted bike lane is on the opposite side of the street from the Property. A bus stop with shelter is opposite of the sidewalk leading to the club/pool house.

A sidewalk extends from the public sidewalk to the circular drive. The buildings are set back approximately 108 feet from the Nelson Street right of way. Between Nelson Street and the circular drive is a wide lawn lined by mature trees. The Woodley Gardens Pool sign sits within the front lawn. The pool located behind the pool house is setback approximately 180 feet from the Nelson Street right of way.

The Property is generally flat, with a gentle grade across most of the Property with the highpoint at the northeast corner along Nelson Street sloping down approx. 10 feet in elevation to the south and west boundaries. Along the southeast corner of the Property beyond the pool deck and amenity area, the site slopes down approx. 10 additional feet to the Park elevation.

#### **Woodley Gardens Pool/ Existing Club/Pool House**

The Woodley Gardens Pool is a membership community swimming pool serving the Woodley Gardens and other City communities. The Woodley Gardens Pool was established and developed in 1960 - 1962. Its membership organization is Woodley Gardens Community Swim & Recreation Association. Currently, the pool operates in the warm weather season, generally as set forth below in the Statement of Operations section with many special membership events common to community pool operations, such as by way of illustration, membership family events and parties, membership drives and open houses, holiday celebrations for Memorial Day, Fourth of July and Labor Day, swim meets, and

community days. Woodley Gardens Pool has a swim team – the Woodley Waves. The swim team practices before the pool is open to the general membership and hosts several competitive swim team meets during the season. Private swim training starts as early as 7:30 am and extends, weather permitting, before and after the regular May through September pool season.

The existing club/pool house is a one-story gabled concrete block building approximately 4,000 square feet in size. The club/pool house with its locker rooms, guardroom and entrance were co-located in the existing club/pool house with the private school. The private school on the eastern side of the club/pool house extended to the east and south but that section was demolished after the school addition was damaged by fire. Part of the existing building is used by Woodley Waves, LLC as the member entrance desk and locker room facilities for the pool and includes administrative, storage and equipment, and snack bar facilities.

### **PROPOSED MODIFICATION**

The aging club/pool house, its equipment, and appurtenant facilities need modernizing for the long-term future of the pool. The special exception modification proposes a 1,488 square foot replacement club/pool house constructed adjacent to the existing club/pool house in the area of an unused basketball court. The replacement club/pool house building is setback 108 feet from the front property line in line with the building it is replacing. The building is setback 57 feet on the sideyard along the western property line abutting Woodley Gardens Park exceeding the zoning ordinance minimum requirement of 11 feet. See Combined Special Exception/Site Plan attached as **Exhibit 6.**

Phase 1 includes only: 1) the main gabled body of the new club/pool house for the entrance desk and locker room facilities, 2) extensions of utilities, and sidewalks to service the new building front and rear entrances, and 3) a landscape plan for the installation of street trees along the Nelson Street frontage. See the Building Elevations and Floor Plan attached as **Exhibit 7a and b** and the Landscape Plan attached as **Exhibit 8.** Upon occupancy of the replacement club/pool house, the existing club/pool house will undergo interior alterations pursuant to approvals of Phase 2 applications for Georgetown Hill use. The existing club/pool house is not proposed to be demolished.

The minor modification application submission includes:

- Combined Special Exception and Site Plan Project Narrative and Statement of Justification
- Special Exception/ Site Plan Cover Sheet with Parking Tabulation and Development Standards Tables
- Site Plan
- Landscape Plan
- Forest Conservation Plan Amendment
- Fire Protection Site Plan
- Preliminary Sediment Control Plan and details
- Preliminary Building Elevations and Floor Plan
- Illustrative Comprehensive Site Plan
- Approved NRI/FSD
- Water and Sewer Authorization

### **Architectural Narrative**

The proposed pool house is in character with the existing pool house and the typical design of the homes located in the surrounding neighborhood. The materials and design of the pool house are a red brick veneer with picture windows and muntin glazing divisions, with a 6:12 sloped hip roof assembly with asphalt shingles, all similar to the character and materiality of the surrounding residences. The canopied covered entry of the pool house, facing Nelson Street, is proposed to be a divided window door with sidelites of matching style. The size and scale of the pool house is commensurate with the size of typical single-family houses surrounding the site and the overall design is to be reminiscent of the original pool house currently located on the site.

The Woodley Gardens area was designed and constructed as a modern and innovative approach to a neighborhood in the early 1960s, introducing a mix of residential offerings and community-benefiting programs such as a public pool, shopping center, and elementary school not common in the surrounding areas at the time.

While a majority of the nearby residences were adorned with colonial-inspired features common of the time period, it was not as much about the specific designs and ornamentation of the structures, but was more about creating a unique community that had local amenities that benefited those that lived nearby. Multiple builders built a variety of models and styles within the overall neighborhood.

There is still a diversity of design within the neighborhood such that the proposed pool house structure on the site fits in with its mix of traditional elements and more contemporary materials and methods. In keeping with the spirit of the original community plan by Monroe Warren Sr. and Monroe Warren Jr., the proposed project aims to continue the use of the site for community-focused amenities, while updating the facilities to meet the needs of a modern community.

### **Statement of Operations**

The swim club operates its pool season between Memorial Day and Labor Day. Hours of operation for general membership are 11 am to 8 pm daily and 10 am-9 pm on Saturdays. Private swim training including swim team practices are from 7:30-11 am Monday-Friday and end during the last week of July.

Membership for use of the swim club is through the Woodley Gardens Community Swim & Recreation Association. It supports a swim team, the Woodley Waves, which hosts 3-4 swim team meets during the main pool season. These generally occur on either Wednesdays between the hours of 5-9 pm or Saturdays between 9 am-12 pm. The swim team is responsible for directing visitors to available on-site and on-street parking.

The swim club hosts various special events as are customary for swim clubs and historically held at Woodley Gardens Pool for over 60 years. These include membership events such as by way of illustration, Opening Day and Closing parties, holiday celebrations, membership drives and open houses, private deck rental for members, a movie night and crab feast. These occur during the main pool season.

### **Master Plan Compliance**

The Property is located within City Planning Area 5 – *Woodley Gardens and College Gardens*. There is no neighborhood plan for this planning area and none pending. The Master Plan describes the architectural style of the neighborhood as Colonial and Federal styled architecture.

The Woodley Gardens Swim Club property is identified as Focus Area 1 (“A1”) (page 315) and designated on the Land Use Policy Map as *Open Space Private* (page 317). The Master Plan provides the following recommendations:

1. *Continue the recreation/education use of the site.*
2. *Retain the existing R-90 zone.*
3. *If the current use as a swim club and school become impractical, redevelopment into residential housing compatible in size, scale, and design with the surrounding neighborhood is the Urban Design Recommendation. Preference is that some kind of private community amenity replace the existing uses.*

The proposed Special Exception modification and Site Plan proposes to retain the use of the Property as the co-located community swim club and private educational institution consistent with the Master Plan. Consistent with the Plan’s Urban Design recommendation for residential redevelopment, the proposed replacement Club/Pool house is designed to compatible size, scale and design as the surrounding neighborhood and the existing club/pool house.

### **Zoning Ordinance Development Standards Compliance**

The tabulation below demonstrates conformance with the development standards for the Swimming Pool, non-accessory special exception and the zoning ordinance, as shown on the Special Exception/Site Plan:

<b><u>Non-accessory Swimming Pool in the R-90 Zone</u></b>						
<b><u>Metric</u></b>	<b><u>Code Ref.</u></b>	<b><u>Required</u></b>		<b><u>Provided</u></b>		
Lot Area - Pool (Legal Capacity 406 persons):	25.15.02.p.2.(a)	3.5	ac. min.	3.23	ac.	[1]
Lot Width at Front Setback Line:	25.10.05.a.	80	l.f. min.	495	l.f.	
Lot Width at Front Lot Line:	25.10.05.a.	25	l.f. min.	497	l.f.	
Front Building Setback:	25.10.05.a.	30	ft. min.	108	ft.	
Side Building Setback:	25.10.05.a.	11	ft. min.	57	ft.	
Rear Building Setback:	25.10.05.a.	25	ft. min.	195	ft.	
Building Height:	25.10.05.a.	35	ft. max.	17.1	ft.	
Lot Coverage (buildings):	25.10.05.a.	25%	max. or	4%	or	
		35,129	s.f. max.	5,888	s.f.	[2]
Impervious Surface in Front Yard (51,500 s.f.):	25.10.05.a.	30%	max. or	42%	or	[1]
		15,175	s.f. max.	21,735	s.f.	[3]
Pool Deck Size (20 s.f./person @ 406 persons):	25.03.03.c.9.	8,120	s.f. min.	9,325	s.f.	

Pool Distance to Property Line and Dwelling:		25.15.02.p.3.					
	North (Nelson Street right-of-way)		75	ft. min.	180	ft.	
	East (dwelling)		125	ft. min.	275	ft.	
	South (parkland property line)		25	ft. min.	43	ft.	
	West (parkland property line)		25	ft. min.	65	ft.	
Number of persons allowed on lot:		25.15.02.p.1.(c)	406	persons	406	persons	
<b>Footnotes:</b>							
[1]	Previously affirmed existing conditions. Administrative Interpretation (25.06.04) requested.						
[2]	Includes proposed 1,488 s.f. pool house (Phase One) and the remaining portion of existing building.						
[3]	Front yard impervious surface is existing & increased by 150 s.f. to provide ADA pedestrian access to front door.						

The tabulation indicates two areas of existing, previously affirmed areas of nonconformance with current standards: minimum Lot Area and maximum Impervious Surface in Front Yard. Both areas have existed since the inception of the pool use, have been implicitly affirmed with the previous approvals of the various Special Exceptions, Site Plan and Use Permit approvals listed on page two of this Statement. As such, we request Administrative Interpretation confirmation per Section 25.06.04 that the plan is in compliance with these two standards.

#### **Off-street Parking Requirements**

The Application complies with off-street parking requirements and parking design standards as set forth in the Zoning Ordinance and shown on the Special Exception Site Plan as follows:

<b><u>Parking Tabulation - 25.16.03.d.</u></b>								
						<b><u>Required</u></b>		
<b>Non-accessory Swimming Pool:</b>								
406	persons @	1	space per	7	persons =	58.0	spaces	
6	employees @	1.00	space per	2	employees =	3.0	spaces	[1]
					<b>Total Parking Spaces Required =</b>	<b>61.0</b>	<b>spaces</b>	
<b>Parking spaces provided:</b>						<b><u>Provided</u></b>		
	Regular parking spaces				=	64	spaces	
	ADA parking spaces (8' x 18' w/ 8' aisle min.)				=	3	spaces	
					<b>Total parking spaces provided =</b>	<b>67</b>	<b>spaces</b>	

<b>Bicycle spaces:</b>								
19,318	bldg/pool/deck GFA @	2	short term per	2,000	sq. ft. =	19.3	spaces	
19,318	bldg/pool/deck GFA @	1	long term per	4,000	sq. ft. =	4.8	spaces	
					Total bicycle spaces required =	24.1	spaces	
					Short term =	0	spaces	
					Long term =	12	spaces	
					Total bicycle spaces provided =	12	spaces	[2]
<b><u>Parking Design Standards - 25.16.06:</u></b>								
				<b>Required</b>		<b>Provided</b>		
Drive aisle width:								
	Two way			24	ft. min.	24	ft.	
	One way			14	ft. min.	n/a	ft.	
Parking Spaces:								
	Width			9	ft. min.	9	ft.	
	Length - perpendicular			18	ft. min.	18	ft.	[3]
	Length - parallel			21	ft. min.	n/a	ft.	
<b>Footnotes:</b>								
[1]	Based on number of employees when the maximum number of employees is present at any one time other than during changes at shifts (25.16.03.a).							
[2]	Requested to defer (25.16.03.i) implementation until following swim season. Covered (Long Term) spaces to be provided integral with construction of Phase Two additions. Additional spaces will also be provided and co-located with the school use.							
[3]	27 parking spaces extend beyond the curb by two feet or less as allowed by 25.16.06.b.4.							

Applicant requests to defer implementation of the bicycle spaces until the 2024 pool season. At that time, covered long-term spaces will be integrally designed and provided as part of the pool house with the construction of the Phase 2 additions.



### **Special Exception Compliance –Additional Requirements**

Zoning Ordinance Section 25.15.02.p *Swimming Pool, non-accessory* provides the following additional requirements. Statements follow each with how the Special Exception modification meets the additional standards.

1(a). The membership of any such pool operated on a membership basis must not exceed four (4) times the legal capacity of the pool, and a family membership must be computed at three and one-half (3.5) persons;

**The legal capacity of the pool is 406 persons. The maximum membership of the pool must not exceed 1,624 persons. The membership of Woodley Gardens Pool is variable by year but is currently below 1,500 members. Membership will not exceed the regulatory cap.**

1(b). Membership of any such pool must not exceed 2,800 persons;

**The membership of Woodley Gardens Pool is below the maximum cap.**

1(c). The number of persons allowed on the lot on which the pool is located must not exceed the legal capacity of the pool.

**The Woodley Gardens Pool limits persons in the pool compound to the legal capacity of the pool.**

2(a). Minimum lot area. The minimum lot size of any non-accessory swimming pool must be in accordance with the following table. Legal capacity must be calculated in accordance with the requirements of City Code Section 25.03.03.c.8.

**This Application is for a minor modification to an existing non-accessory swimming pool that was approved in 1962 on 3.23 acres. Legal capacity has been historically calculated at 406 persons based on the available records. Based on the current table and applying a proportionate calculation, the use and intensity meets the minimum lot area. This has been the initial and continuing interpretation and application of this standard since 1962 with respect to this property.**

2(b). Minimum deck size. The minimum deck size of a non-accessory swimming pool must be calculated in accordance with the requirements of City Code Section 25.03.03.c.9.

**The Application does not modify the pool deck. Per Section 25.03.03.c.9, 20 square feet of pool deck is required per person; therefore, 20 sf/person x 406 person legal capacity = 8,120 sf of pool deck required. Approximately 9,325 sf of pool deck is provided. The Application meets this additional requirement.**

3.Distance from property line and single-unit dwellings. Any such pool must be located no less than seventy-five (75) feet from the nearest property line nor less than one hundred twenty five (125)

feet from any existing single unit detached or semi-detached dwelling, except where the lot upon which the pool is located abuts publicly owned land (except streets) or land in a non-residential zone, the pool may be constructed not less than twenty-five (25) feet from such publicly owned land or land in a non-residential zone.

**The Application does not modify the location of the pool. It remains setback 180 feet from the Nelson Street property line; 275 feet from the closest residence abutting the east property line; 43 feet from the PARK zoned land on the southern boundary; and 65 feet from the PARK zoned land on the western boundary. The Application meets this additional requirement.**

### **Administrative Interpretations**

The development standards tabulation indicates two items of existing, previously affirmed areas of nonconformance with current, typical standards:

The existing lot area as recorded on Plat 11221 is 3.23 acres and the legal capacity for the pool has been and is 406 persons. The table in section 25.15.02.p.2.(a) indicates that the minimum Lot Area for a pool with a legal capacity between 351 persons to 438 persons is 3.5 acres. The 3.23-acre site is generally proportional on a sliding scale basis for this standard and has been accepted as an adequate lot area in all preceding entitlement approvals.

The maximum Impervious Surface in Front Yard standard indicated in section 25.10.05.a. is 30%. Existing conditions have an impervious area of approximately 42% largely due to the location of the front entrance drive and the parking lot off to the east of the existing building. The visual foreground of the existing and proposed building will remain as a large lawn area surrounded by mature trees giving the site its distinctive character. Additional impervious area in the front yard is a modest 150 s.f. to provide the necessary ADA pedestrian access to the front door of the proposed use.

Both areas have been existing since the inception of the pool use, have been implicitly affirmed with the previous approvals of the various Special Exception, Site Plan, and Use approvals listed on page two of this report. As such, we request an Administrative Interpretation (per 25.06.04) that the plan is in compliance.

### **Deferral**

The Applicant requests to defer (25.16.03.i) implementation of the permanent bicycle parking spaces until the 2024 pool season. Twelve covered (Long Term) spaces are designed to be provided integral to the pool house design with construction of Phase 2 additions. Additional bicycle parking will be provided with the construction of the school. These comprehensively planned and co-located spaces will cumulatively provide the total bicycle accommodations for both uses.

### **Necessary Findings for Special Exception Approval**

Zoning Ordinance Section 2.15.01 sets forth the necessary findings for approval of a special exception. The Application meets these findings as follows:

25.15.01.a.2 *Findings*

(a) The proposed use does not violate or adversely affect the plan, this chapter or any other applicable law;

**The Application is consistent with the Master Plan by continuing the historical use of the Property, the development standards applicable to the Property under the Zoning Ordinance for existing uses and improvements based on their construction dates and those applicable to new construction, and to Applicant's knowledge, other applicable law.**

(b) The proposed use at the location selected will not:

(i) Adversely affect the health and safety of residents or workers in the area;

**The Application does not adversely affect the health and safety of residents or workers in the area as it proposes to replace an existing building and to continue a use that has been established on the Property since 1962. The proposed use is a neighborhood amenity not a nuisance.**

(ii) Overburden existing and programmed public facilities as provided in Article 20 of this chapter and as provided in the adopted adequate public facilities standards manual;

**The Application does not propose an intensification, as it does not request an increase in allowable membership, users, building size, parking, traffic or utilities. Therefore, it will not overburden existing public facilities currently servicing the Property.**

(iii) Be detrimental to the use or development of adjacent properties or the neighborhood;

**The Application is for a replacement building for a use established in 1962 around which the neighborhood has been developed and thrived and for which the community pool is an amenity.**

(iv) Change the character of the neighborhood in which the use is proposed, considering the services currently provided, population density, character, and number of similar uses; and

**The Application continues an existing use established in 1962 and the replacement building is designed to be compatible with the architectural vernacular of Woodley Gardens residential neighborhood and is of smaller scale than the building it proposes to replace.**

(v) Constitute a nuisance because of noise, traffic, number of people, or type of physical activity; and

**The Application proposes to continue a use established in 1962 and does not propose an intensification of noise, traffic, number of people or physical activity on the Property.**

(c) The proposed use complies with all applicable requirements of this chapter, including but not limited to, the special requirements contained in Section 25.15.02 and the general purposes of this chapter contained in Section 25.01.02.

**The Application complies with all applicable requirements of the Zoning Ordinance. A detailed response of how the Application complies with the special requirements of Section 25.15.02 is set forth above. A detailed response of how the Application complies with the general purposes of the Zoning Ordinance is set forth below.**

#### **Meets the General Purposes of the Zoning Ordinance**

Zoning Ordinance Section 25.01.02. sets forth the general purposes of the Zoning Ordinance. The Application meets the intent of the purposes as follows:

1. Provide for appropriately scaled, designed, and sited buildings and other structures that are compatible with the natural and built environment;

**The Application proposes a replacement of the club/pool house that was part of the original comprehensive plan for the development of Woodley Gardens in 1962 with a similarly scaled, designed and sited building. The Application maintains the deep front setback from Nelson Street and the homes across the street. The architectural style is of the similar character as the original pool house and the 1- to 2-story gabled homes in the neighborhood.**

2. Promote environmentally sustainable developments and otherwise provide for the conservation of natural resources and the environment;

**The Application replaces a 1960s era building with a new building with modern facilities and equipment meeting 2022/2023 performance standards.**

3. Promote the City as an inclusive community by facilitating diversity in housing, building design, and land use;

**The Application preserves a community amenity – the community swim club – and supports its long-range continuity with much needed updates. The pool house relocation provides additional space for the school in Phase 2 that provides much needed before and after school care, early learning programs and grade school level education opportunities to serve diverse household populations who live and work nearby.**

4. Promote alternative modes of transportation by providing convenient, safe, and connected accessibility to public transportation, pedestrian and bicycle systems, inviting streetscapes, and a mixture of uses;

**The Application is for modernization of a community amenity that is accessible by foot, car, bus, and bicycle along Nelson Street. Street trees along Nelson Street are proposed as part of**

**this Application. The site after the Phase 1 and Phase 2 improvements will once again include the co-location of the swim club and the private educational institution, both much needed services and desirable amenities for the families in the neighborhood. In Phase 3 improved bicycle parking, sidewalks, and landscaping will enhance the whole Property.**

5. Ensure that development occurs in an orderly fashion consistent with the master plan (the "plan") and the availability of adequate infrastructure capacity and other public facilities;

**The Application is consistent with the recommendation of the Master Plan and the specific recommendation for the Property for the continued use as a community amenity collocated with a private educational institution.**

6. Ensure the most appropriate use of land throughout the City;

**The Application is consistent with the historical use of the Property since 1962, the original comprehensive plan for Woodley Gardens community, and the Master Plan.**

7. Protect and enhance the aesthetic and visual character of the City and its residential neighborhoods;

**The Application preserves the aesthetic and visual character of the historical community swim club use of the property.**

8. Preserve sites, structures, and districts of historical, archeological, or architectural significance, and their appurtenances and environmental settings;

**The Application preserves the historical use of the Property as a community swim club as established in 1962 as part of the comprehensive development plan for Woodley Gardens. The original club/pool house is not proposed for demolition. This modification proposes the continuation of the historical use of the Property as a swim club important to the neighborhood and the original comprehensive plan for the Woodley Gardens development.**

9. Secure the public safety;

**The Application seeks approval of a special exception minor modification, a Level 1 Site Plan to allow the issuance of applicable permits for the construction of the replacement building in accordance with public safety laws.**

10. Provide adequate light and air;

**The Application proposes a replacement building sited with setbacks that exceed Zoning Ordinance required minimums. The retention of the front setback with its circular driveway entrance around a wide tree lined lawn provides significant light and air to the nearest single-family homes and adjacent uses.**

11. Foster innovative, creative, sustainable, and flexible building and site design;

**The Application reflects how to integrate modern facilities in order to preserve and continue a swim club that was established over 60 years ago so this neighborhood amenity can continue sustainably for the benefit of future families and generations.**

12. Provide attractive, high quality development and design that enhances the community's quality of life; and

**The Application proposes a modern design that still reflects the architectural vernacular of an established neighborhood. It provides attractive modern facilities to improve the experience and quality of life of its members and its surrounding neighbors. The replacement building provides improved amenities and long-term sustainability for the health and welfare of the Woodley Gardens Pool members and neighbors.**

13. Otherwise protect and promote the health, safety, comfort, convenience, welfare, and happiness of the Rockville community through the comprehensive regulation of the use and development of land and structures.

**The Application is a necessary evolution to maintain a much beloved amenity within the neighborhood by modernizing the existing locker room facilities and creating a self-contained club/pool house separated from the reconstruction of the co-located private educational facility to be submitted in the Phase 2 and 3 applications. It complies with the comprehensive codes and regulations of the City of Rockville to protect and promote the health, safety, comfort, convenience, and welfare of the Rockville community. As to “happiness” of the Rockville community, there could not be many other proposals like this one that will ensure the continuation of an important neighborhood amenity that has created, and will continue to create, so many happy family and childhood memories as the Woodley Gardens Pool.**

#### **Necessary Findings for Site Plan Approval**

Zoning Ordinance Section 25.07.01.a.3 (c) Required findings. A site plan that implements all or a portion of an approved special exception is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved special exception and where the application will not:

- i. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

**The Application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. It is for a replacement building for a use established in 1962 and operated continuously since, around which the neighborhood has developed and thrived. The community pool is an amenity and part of the original comprehensive plan for the neighborhood.**

- ii. Adversely affect the natural resources or environment of the City or surrounding areas;  
or

**The Application will not adversely affect natural resources or environment of the City as the replacement building is to be constructed in accordance with City ordinances and regulations. The Application does not propose an intensification that could adversely affect the environment of the City, as it does not request an increase in allowable membership, users, building size, parking, traffic or utilities.**

- iii. Constitute a violation of any provision of this chapter or other applicable law.  
**The Application complies with all applicable requirements of the Zoning Ordinance and designed to comply with other applicable laws and regulations.**

### **Conclusion and Request**

Based on the application materials and the foregoing, the Applicant respectfully requests approval by the Chief of Zoning of a Minor Modification to existing Special Exception S-54-62 and the Level 1 Site Plan to implement the modifications.

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[nregelin@shulmanrogers.com](mailto:nregelin@shulmanrogers.com)  
Attorney for Applicant

### **Exhibits**

- 1 Deed
- 2 Illustrative Comprehensive Plan\*
- 3 Plat 11221
- 4 Approved NRI/FSD
- 5 City Zoning Map
- 6 Combined Special Exception/Site Plan\*
- 7 Preliminary Building Elevations and Floor Plan\*
- 8 Landscape Plan\*

\*Plans provided as exhibits to the Statement for convenience, the Plans submitted as part of the application, as amended through review, control.

Exhibit 1  
Ownership Deed

BOOK: 64825 PAGE: 48

Tax ID# 4-224-157435

**THIS DEED**

Made this <sup>3rd</sup>~~2nd~~ day of December, 2021, by and between BELL & BECK, LLC, a Maryland limited liability company, party of the first part, and WOODLEY WAVES, LLC, a Maryland limited liability company, party of the second part:

**Witnesseth**, that in consideration of THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00), the said party of the first part does grant and convey unto WOODLEY WAVES, LLC, party of the second part, its heirs and assigns, in fee simple as sole tenant, all that piece or parcel of improved land situate, lying and being in Montgomery County, State of Maryland, described as follows to wit:

Lot numbered Six (6) in Block lettered "D" in a subdivision known as "ROCKVILLE ESTATES" as per plat thereof recorded in Plat Book 100 at Plat 11221, one of the Land Records of Montgomery County, Maryland.

Being the same property conveyed by deed recorded in Liber 29997 at folio 603.

Subject to the covenants and restrictions of record.

To Have and To Hold said land and premises above described or mentioned and hereby intended to be conveyed, together with the building and improvements thereon erected, made or being, and all and every title, right, privilege, appurtenance and advance thereunto belonging, or in anywise appertaining unto and for the proper use, benefit and behalf of said party of the second part.

Property Address : 850 Nelson Street, Rockville, Maryland 20850  
Grantee's Address : 236 Anderson Avenue, Rockville, Maryland 20850  
Grantor's Address : 9903 Cable Drive, Kensington, MD 20895  
Title Insurance Co. : Old Republic National Title Insurance Company

**And** the said party of the first part covenants that it will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may be requisite.

**Witness** its hand and seal.

**MONTGOMERY COUNTY, MD**  
APPROVED BY KJ

DEC 13 2021

\$ 38,200.00 RECORDATION TAX PAID  
\$ 30,000.00 TRANSFER TAX PAID

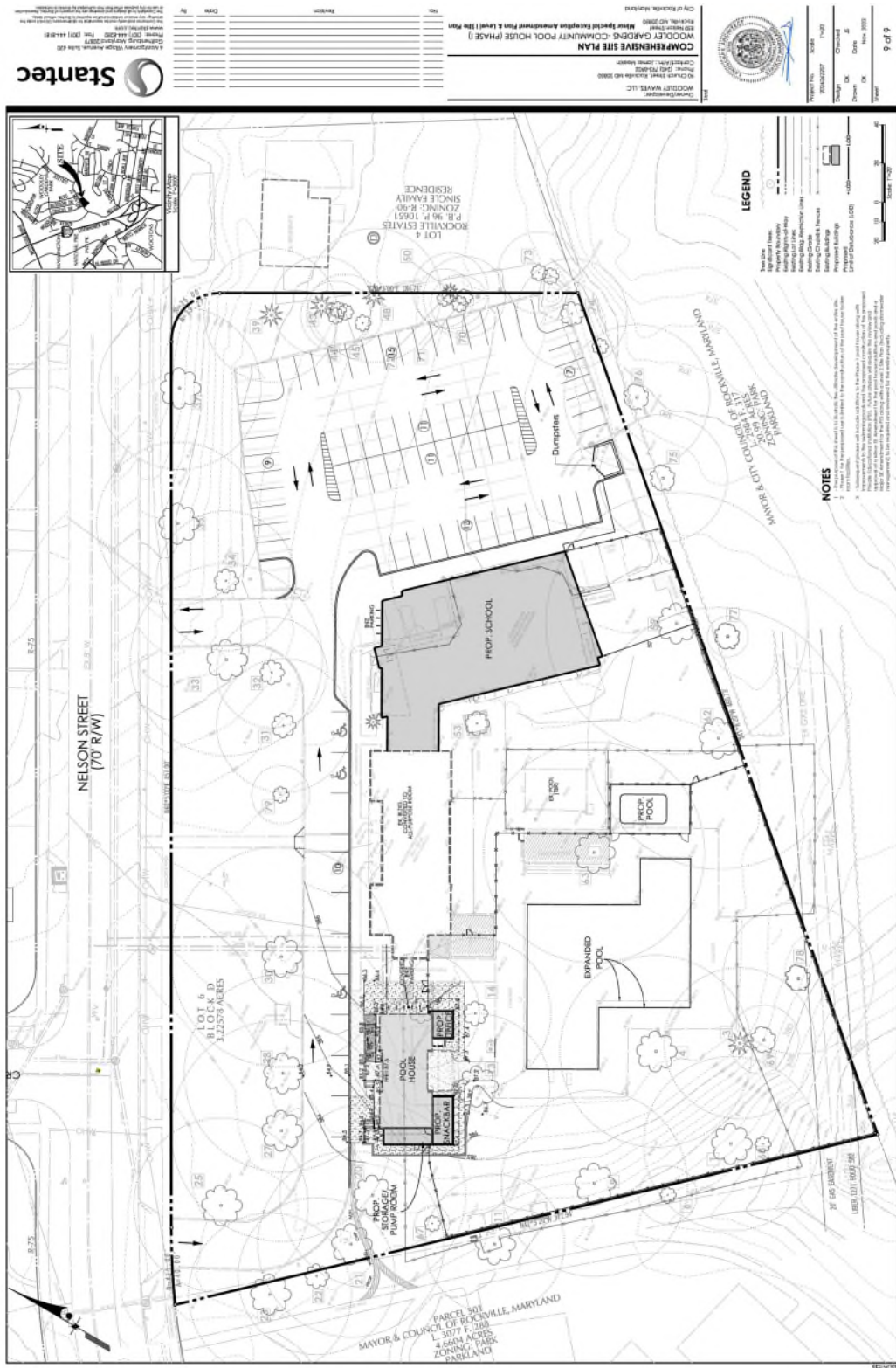
15,000  
20  
40  
AV

Bell & Beck, LLC,  
a Maryland limited liability company

By: [Signature] (SEAL)  
Stephen J. Beck, Manager

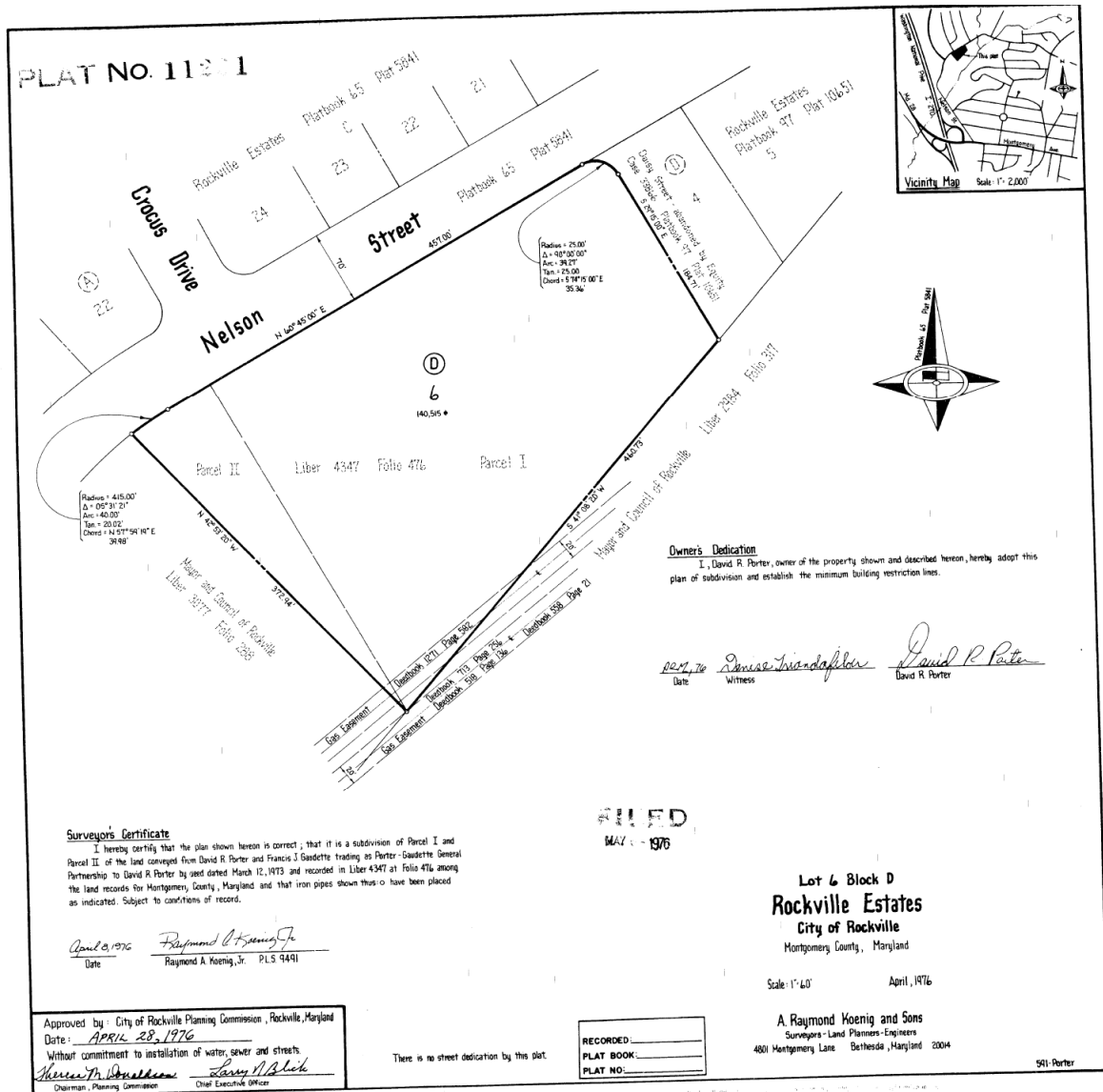
MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 64825, p. 0048, MSA\_CE63\_64782. Date available 12/17/2021. Printed 11/18/2022.



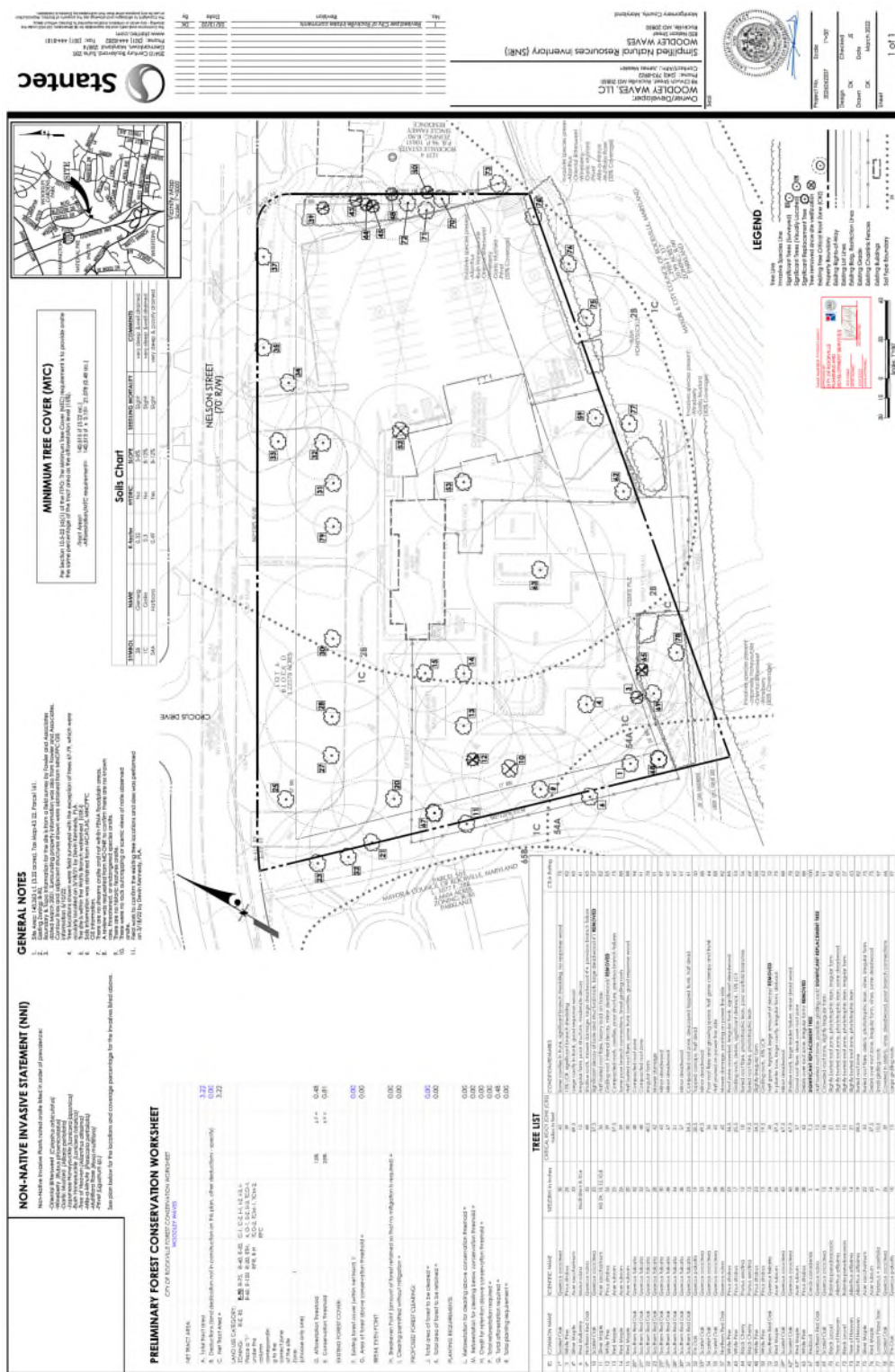


# Exhibit 3

## "Property" per Plat 11221

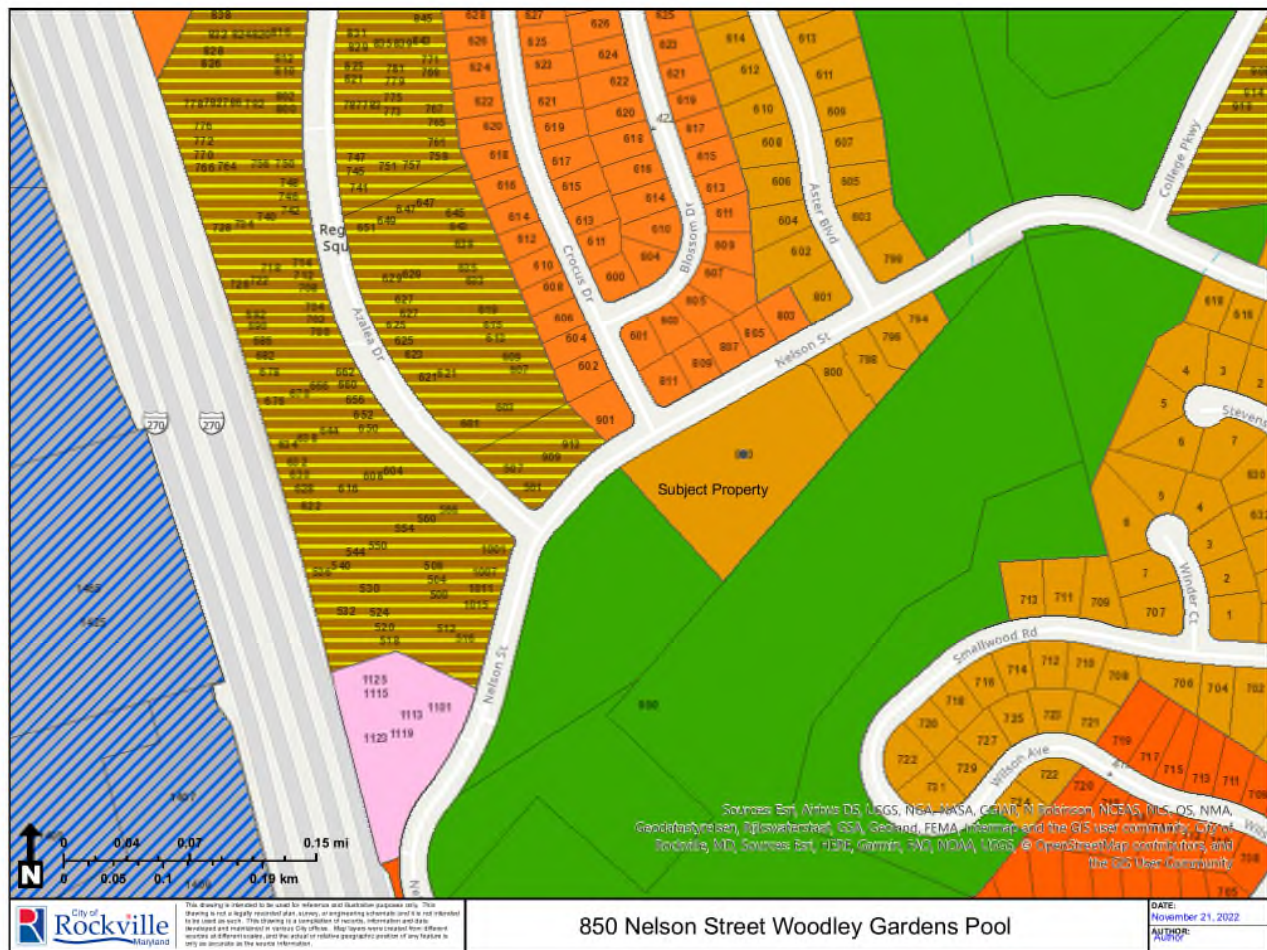


Existing Conditions/ Approved NRIFSD



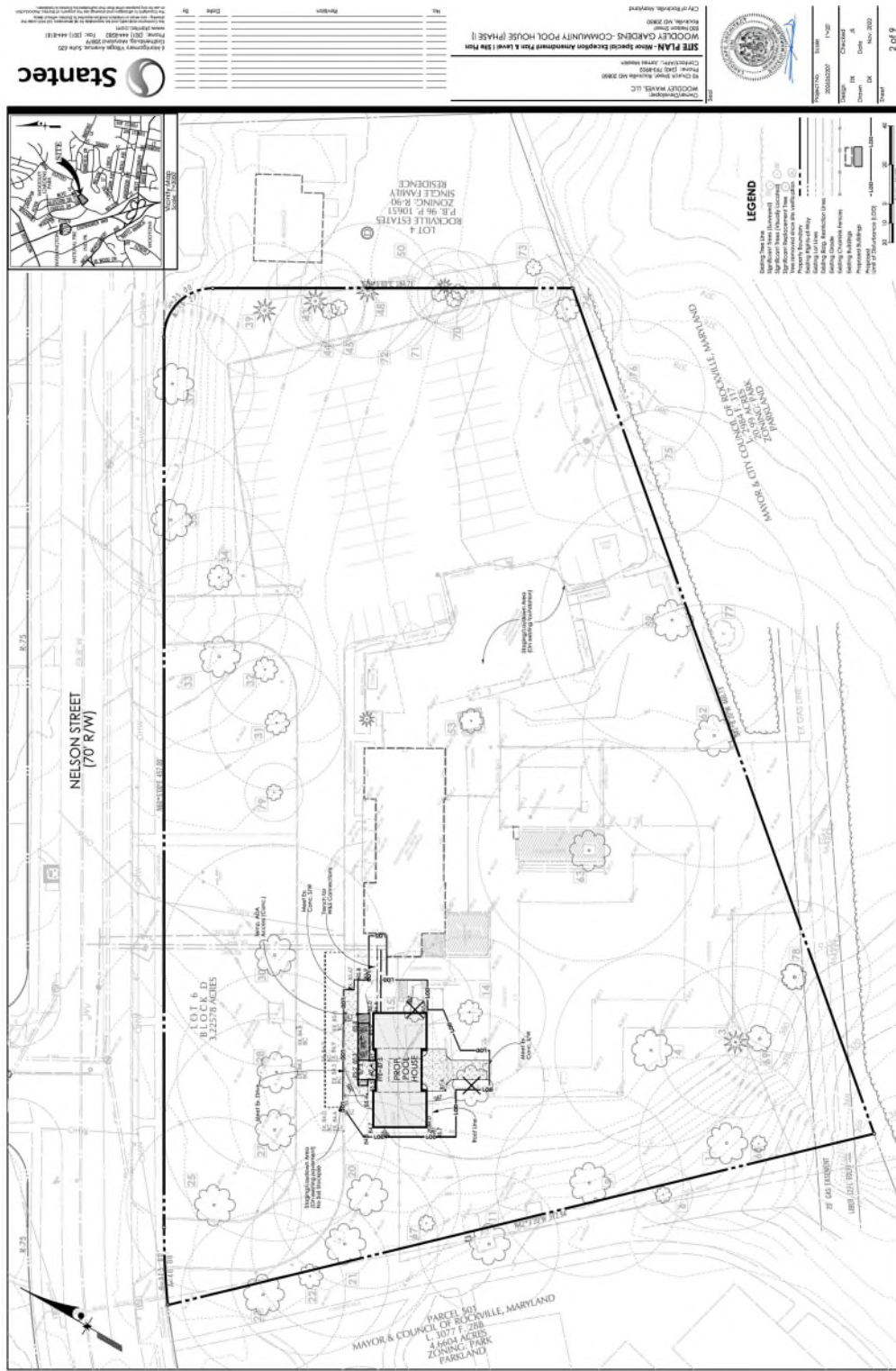


# Exhibit 5 City Zoning Map



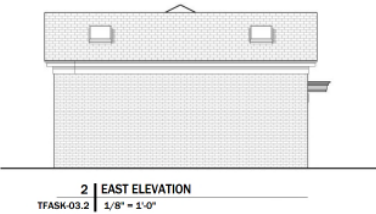
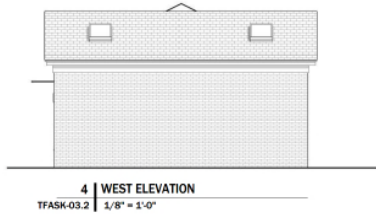
## Zoning Districts

- R-400 - Residential Estate
- R-200 - Suburban Residential
- R-150 - Low Density Residential
- R-90 - Single Unit Detached Dwelling, Restricted Residential
- R-75 - Single Unit Detached Dwelling, Residential
- R-60 - Single Unit Detached Dwelling, Residential
- R-40 - Single Unit Semi-detached Dwelling, Residential
- RMD-Infill - Residential Medium Density, Infill
- RMD-10 - Residential Medium Density
- RMD-15 - Residential Medium Density
- RMD-25 - Residential Medium Density
- PD - Planned Development
- MXB - Mixed-Use Business
- MXC - Mixed-Use Commercial



# Exhibit 7 a and b

## Building Elevations and Floorplan



ARCHITECTURE  
INTERIORS  
PLANNING

### Ghes Woodley Gardens - Phase 1

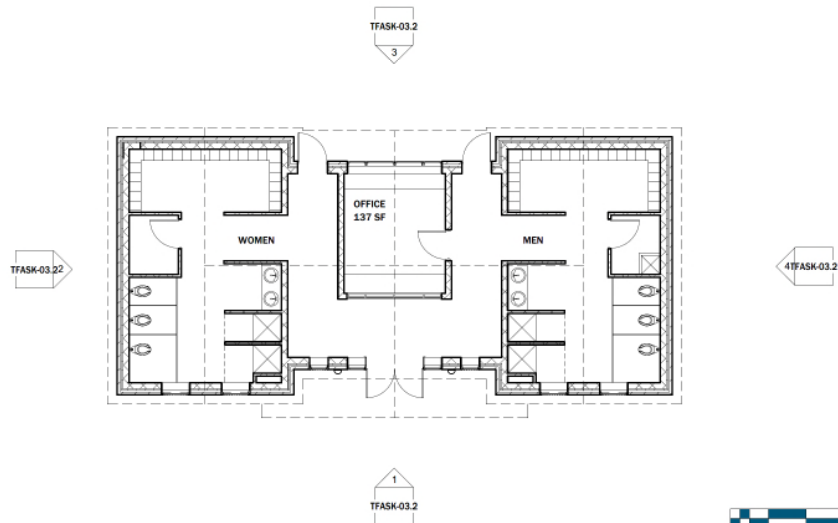
860 NELSON STREET  
ROCKVILLE, MD 20850

TFASK-03.2

POOL HOUSE EXTERIOR ELEVATIONS rev.2

ISSUE DATE: 11/15/2022 | PROJECT NUMBER: 22E008

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ARCHITECTURE  
INTERIORS  
PLANNING

### Ghes Woodley Gardens - Phase 1

860 NELSON STREET  
ROCKVILLE, MD 20850

TFASK-01.2

PHASE 1 POOL HOUSE PLAN rev.2

ISSUE DATE: 11/15/2022 | PROJECT NUMBER: 22E008

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